

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA

ALVINO PIZANO,)	
)	
Plaintiff,)	
vs.)	No. 1:08-cv-670-DFH-DML
)	
WENDY KNIGHT, Superintendent of)	
Plainfield Correctional Facility,)	
)	
Defendant.)	

Entry Discussing Pending Motions

Alvino Pizano, a state prisoner, alleges in his amended complaint brought pursuant to 42 U.S.C. § 1983 that subjecting him to the Indiana Sex Offender Monitoring and Management Treatment Program ("SOMM") violates his federally secured rights. According to his amended complaint, Pizano is participating the SOMM "under the duress of losing all his previously earned good-time credit." He seeks declaratory judgment and injunctive relief freeing him from participation in the SOMM. The defendant is Pizano's former custodian, Superintendent Wendy Knight of the Plainfield Correctional Facility. Superintendent Knight has filed a motion to dismiss, which Pizano has opposed.

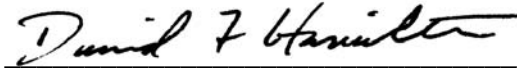
Whereupon the court, having considered Pizano's complaint, the motion to dismiss, and the other motion which is pending, and being duly advised, now makes the following rulings:

1. Pizano's motion for expedited judgment on the pleadings (dkt 44) is **denied**, because under the circumstances of this case such a resolution is not proper.

2. Superintendent Knight's motion to dismiss (dkt 29) is **denied without prejudice**. The reason for this ruling is that another action in this court, which has been certified as a class action, *Fields v. Buss*, 1:09-cv-603-DFH-DML, presents some of the same issues as does Pizano's complaint in this case. The Fields class litigation is set for trial several months hence. It is the court's determination that a ruling in this action prior to the resolution of the Fields litigation would be inappropriate and that there is by the same token no reason for Superintendent Knight's motion to dismiss to linger on the docket as a pending motion.

3. Superintendent Knight may renew or seek reinstatement of her motion to dismiss at an appropriate future time.

So ordered.

A handwritten signature in black ink, reading "David F. Hamilton", written over a horizontal line.

DAVID F. HAMILTON, CHIEF JUDGE
United States District Court
Southern District of Indiana

Date: September 1, 2009

Distribution:

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